

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

PHILLIP MICHAEL LITTLER,)
)
)
Petitioner,)
) CAUSE NO. 3:11-CV-273 PS
vs.)
)
SUPERINTENDENT,)
)
Respondent.)

OPINION AND ORDER

Phillip Michael Littler, a *pro se* prisoner, filed a habeas corpus petition under 28 U.S.C. § 2254 seeking to challenge a prison disciplinary sanction. (DE 1.) I am obligated to review the petition and dismiss it if “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief. . . .” RULE 4 OF THE RULES GOVERNING SECTION 2254 CASES.

According to the petition, Littler was found guilty of destruction of state property by a disciplinary board at Westville Correctional Center. (DE 1 at 1.) The board ordered Littler to pay \$220 in restitution, which he claims was excessive. (*Id.* at 1-2.) A prison disciplinary sanction can only be challenged in a habeas proceeding if it lengthens the duration of the petitioner’s confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003); *Sylvester v. Hanks*, 140 F.3d 713, 714 (7th Cir. 1998). The restitution order Littler seeks to challenge did not lengthen the duration of his confinement, and accordingly, he cannot challenge the sanction in a habeas proceeding.

For these reasons, the petition (DE 1) is **DISMISSED** pursuant to RULE 4 OF THE RULES GOVERNING SECTION 2254 CASES.

SO ORDERED.

ENTERED: July 15, 2011

s/ Philip P. Simon
PHILIP P. SIMON, CHIEF JUDGE
UNITED STATES DISTRICT COURT